

### REMARKS

In the Final Office Action mailed April 1, 2009 in the above-captioned matter, claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis et al. (U.S. Patent No. 7,065,709) ("Ellis") in view of Robertson et al. (U.S. Patent No. 7,149,983) ("Robertson"), and further in view of Billmaier et al. (U.S. Patent No. 7,159,177) ("Billmaier"). The Applicant respectfully traverses these rejections and requests reconsideration.

#### **Rejections under 35 U.S.C. §103(a)**

Claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Robertson and further in view of Billmaier.

#### *Claims 1, 10 and 12*

In making this rejection, the Examiner relies upon Ellis's presentation of an interactive program guide system and more particularly upon Ellis's disclosing "several characterizing descriptive fields, such as actor, genre, and start time."<sup>1</sup> As acknowledged by the Examiner, this is different from the Applicant's claimed approach. For example, the Applicant specifies "simultaneously displaying: a first plurality of user-selectable characterizing descriptor filter criteria" and "a second plurality of user-selectable characterizing descriptor filter criteria as corresponds to the second characterizing descriptor filter." An embodiment of this feature is shown in FIG. 4

(reproduced at the right), in which Applicant provides for simultaneously displaying a horizontal row (31 and 33) of first and second pluralities of user-selectable characterizing descriptor criteria along with a horizontal row (32) of characterizing descriptors that correspond

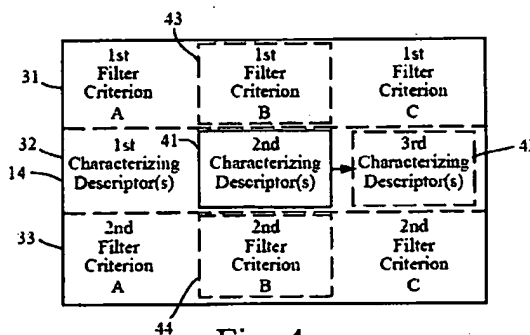


Fig. 4

<sup>1</sup> Office Communication of April 1, 2009 at page 2.

to a present setting of the first and second plurality of user-settable characterizing descriptor criteria. Applicant also provides that the row (32) of characterizing descriptors that corresponds to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criterion is positioned between the two rows (31 and 33) of user-selectable characterizing descriptor criteria. This feature of Applicants' invention is also discussed in paragraphs [0036-0039] and [0042].

Ellis does not disclose an apparatus or method that simultaneously displays user-selectable characterizing descriptor criteria. To meet this deficiency in Ellis, the Examiner relies upon Robertson, and more particularly upon Robertson disclosing "several separate lists of search criteria, all of which simultaneously displays selectable characterizing descriptors."<sup>2</sup> As acknowledged by the Examiner, however, the disclosures in Ellis and Robertson are still deficient because neither reference discloses "the first plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; the second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of user-selectable characterizing descriptor filter criteria; and the portion of the characterizing descriptors as correspond to a present setting of the first and second plurality of user-selectable characterizing descriptor filter criteria is displayed as a horizontal row of characterizing descriptors positioned between the first plurality of user-selectable characterizing descriptor filter criteria and the second plurality of user-selectable characterizing descriptor filter criteria."

To meet this deficiency, the Examiner relies upon Billmaier, stating that "Billmaier teaches that user interface can be configured so that there are horizontal and vertical rows in columns containing related information concerning television programming (Fig. 10, Col. 12, lines 5-54)."<sup>3</sup> The Examiner then suggests that "it would have been obvious to one of ordinary skill in the art that at the time of the invention to have a display organized in several horizontal sections."

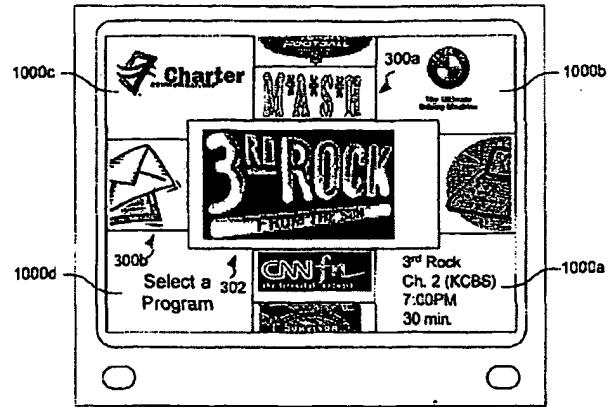
Applicant respectfully disagrees with the characterization of Billmaier in the Office Action.

---

<sup>2</sup> Office Communication of April 1, 2009 at page 3.

<sup>3</sup> Office Communication of April 1, 2009 at pages 3-4.

Billmaier discloses in Fig. 10 (reproduced at the right), a vertical listing of programs (with “3<sup>rd</sup> Rock From The Sun” selected as the focus area 302) surrounded by quadrants 1000a – 1000d. The quadrant referenced as 1000a contains program information related to the program in focus area 302. The quadrant referenced as 1000b is a BMW



advertisement. The quadrant referenced as 1000c is branding information for the cable provider. The quadrant referenced as 1000d presents the user with generic instructions on selecting a program.

The disclosure in FIG. 10 is further explained in column 12, lines 4-54 of Billmaier. In particular, Billmaier discloses that “the intersection of two displayed sequences 300 *may generate quadrants 1000 that may be used for various purposes*. In one embodiment, the quadrants 1000 are context-sensitive regions that display supplemental information, advertising, or the like, depending on the card 200 in the focus area 302. In another embodiment, one or more quadrants 1000 may display information targeted to the user based on user profile information within the ITV system 100.” (emphasis added)

Importantly, Billmaier does not disclose that quadrants 1000a – 1000d are in the same “horizontal row.” Rather, Billmaier discloses that “the intersection of two displayed sequences 300a-b may generate quadrants 1000 that may be used for various purposes.” (Billmaier, column 12, lines 4-8) Quadrants 1000a – 1000d are situated at the corners of, and separated by, intersecting display sequences 300a-b. Therefore, the quadrants in Billmaier are not in the same rows. This point is reinforced by the disclosure in Billmaier that “in alternative embodiments, a single vertical or horizontal sequence 300a-b may result in the creation of hemispheres (not shown) rather than quadrants 1000.” (Billmaier at column 12, lines 48-51) In other words, the arrangement of “quadrants” or “hemispheres” is dictated by the configuration of horizontal or vertical sequences 300a-b, and not a desire to arrange the information into rows.

In addition, there is no correlation between information in the quadrants of Billmaier because the quadrants are “used for various purposes.” (Billmaier column 12, lines 5-6) For example, quadrant 1000c, which displays the cable provider’s branding identification, bears no correlation with quadrant 1000b, which displays a BMW advertisement. Similarly, quadrant 1000d displays user instructions that bear no correlation to quadrant 1000a, which displays program information. Therefore, Billmaier does not disclose arranging quadrants as “rows” of information. Billmaier merely suggests dividing a display into quadrants, and displaying information in those quadrants related or unrelated to a program that is selected amongst a vertical row of programs dissecting the quadrants.

Moreover, the arrangement of quadrants or hemispheres in Billmaier does not contribute to the functionality of the interface because the quadrants are not “user-selectable.” The quadrants merely display information that changes depending on the program selected as the focus area. Applicant, on the other hand, provides for a display in which the filter criteria are displayed as horizontal rows of user-selectable items and where the results of the present setting of the filter criteria are displayed in a horizontal row between the rows of user-selectable filter criteria. As described in paragraphs [0036-0039] and [0042], the user can scroll along the rows of first and second filter criteria to select other filter criterion. The resulting characterizing descriptors corresponding to the selected filter criteria are displayed between the rows of filter criteria. The user can easily scroll upward or downward from the row of results to select different filter criteria. As the user selects different filter criteria, the results change. The orientation of filter criteria and results as described by Applicants permit the user to conveniently select different filter criteria by moving the areas of focus and simultaneously view the results in close visual proximity to the filter criteria.

Given the failure of Billmaier to meet the deficiencies in the disclosures of Ellis and Robertson, the Applicant observes and submits that modifying either Ellis or Robertson based on Billmaier to include user-selectable characterizing descriptor filter criteria in horizontal rows and characterizing descriptors corresponding to the present setting of the first and second user-selectable characterizing descriptor filter criteria is hardly obvious and is certainly not a mere design choice.

The quadrants disclosed in Billmaier are not arranged in rows; information in one quadrant is not correlated with information in the other quadrant; and the quadrants are not "user-selectable." Therefore, the mere suggestion in Billmaier of arranging a display into a quadrant-styled configuration does not suggest modifying Ellis and Robertson to arrange the first and second filter criteria in rows above and below characterizing descriptors corresponding to the first and second user-selectable characterizing descriptor filter criteria.

*Claims 2-9, 11, and 13-17*

Claims 2-9, 11, and 13-17 are ultimately dependant on one of claims 1, 10 and 12, which claims have been shown to be allowable above. While the Applicant believes that other arguments are available to highlight the allowable subject matter presented in various of the dependant claims, the Applicant also believes that the comments set forth herein regarding the allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedite the consideration.

U.S. Patent Application No. 10/806,832  
Response to Office Action Dated June 1, 2009  
Office Action dated April 1, 2009

Attorney Docket No. 7114/81205

**CONCLUSION**

For the foregoing reasons, it is submitted that claims 1-17 are in condition for allowance, and reconsideration and allowance of claims 1-17 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully requested,

FITCH, EVEN, TABIN & FLANNERY

By: /Joseph F. Marinelli/  
Joseph F. Marinelli  
Registration No. 46,898

Date: June 1, 2009

120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-4277  
Telephone: (312) 577-7000